

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 05-20859-CR-HUCK(s)(s)(s)(s)
18 U.S.C. § 371**

UNITED STATES OF AMERICA

vs.

LEONARDO A. MORA-RODRIGUEZ,

Defendant.

SECOND SUPERCEDING INFORMATION

The United States Attorney charges that:

From on or about December 1999 to in or about April 2001, the exact dates being unknown to the United States Attorney, in Miami-Dade County in the Southern District of Florida and elsewhere, the defendant,

LEONARDO ARTURO MORA-RODRIGUEZ,

did knowingly combine, conspire confederate and agree with Raul J. Gutierrez, Eduardo Hillman-Waller and with others known and unknown, to knowingly transport, transmit and transfer in interstate and foreign commerce money, of the value of \$5,000 or more, knowing the same to have been taken by fraud in violation of Title 18, United States Code, Section 2314.

PURPOSE OF THE CONSPIRACY

The purpose of the conspiracy was to defraud the government of Trinidad and Tobago by manipulating the bid process for certain Piarco International Airport construction projects so that the defendant's coconspirators and their related companies could unjustly enrich themselves through the receipt of money, proceeds and kickbacks from excessively inflated and fraudulent contracts and to transfer those moneys and proceeds in interstate and foreign commerce in order to conceal and disguise the nature and location of those moneys and proceeds.

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OVERT ACTS

1. On or about August 15, 2000, A. P., on behalf of CALMAQUIP, did wire transfer \$423,800 from Dresdner Bank in Miami, Florida to the account of Empresas Sudamericanas S.A. (hereinafter "Empresas") at Banco Bilbao Vizcaya Argentaria (Panama, S.A.) in Panama (hereinafter "Banco Bilbao").

2. On or about August 25, 2000, Raul J. Gutierrez, on behalf of CALMAQUIP, did wire transfer \$777,000 from Dresdner Bank in Miami, Florida to the account of Empresas at Banco Bilbao in Panama.

3. On or about August 25, 2000, the defendant did cause Empresas to wire transfer \$359,280 from Banco Bilbao in Panama to the account of Argentum International Marketing Services, Ltd. (hereinafter Argentum) at Bank Leu in Nassau, Bahamas.

4. On or about September 1, 2000, the defendant did cause Empresas to wire transfer \$400,000 from Bank Bilbao in Panama to the account of Argentum at Bank Leu in Nassau, Bahamas.

5. On or about September 15, 2000, the defendant did cause Empresas to wire transfer \$346,180 from Bank Bilbao in Panama to the account of Argentum at Bank Leu in Nassau, Bahamas.

6. On or about October 3, 2000, the defendant did cause \$175,000 to be wire transferred from the account of Empresas to Banco Bilbao in Panama to Ocean Bank in Miami, Florida.

7. On or about October 31, 2000, the defendant did cause \$175,000 to be wire transferred from the account of Empresas at Banco Bilbao in Panama to Ocean Bank in Miami, Florida.

8. On or about January 2, 2001, the defendant did cause \$87,500 to be wire transferred from the account of Empresas at Banco Bilbao in Panama to Ocean Bank in Miami, Florida.

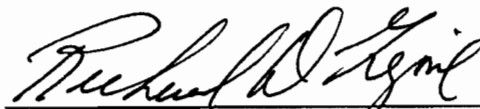
9. On or about January 31, 2001, the defendant did cause \$100,000 to be wire transferred from the account of Empresas to Banco Bilbao in Panama to Ocean Bank in Miami, Florida.

10. On or about March 2, 2001, the defendant did cause \$180,000 to be wire transferred from the account of Empresas at Banco Bilbao in Panama to Ocean Bank in Miami, Florida.

All in violation of Title 18, United States Code, Section 371.



R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY



RICHARD D. GREGORIE
ASSISTANT UNITED STATES ATTORNEY

CASE NO. 05-20859-CR-HUCK(s)(s)(s)(s)

CERTIFICATE OF TRIAL ATTORNEY*

Court Division: (Select One)

New Defendant(s) Yes _____ No X
 Number of New Defendants _____
 Total number of counts 1

X Miami Key West
FTL WPB FTP

I do hereby certify that:

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.

3. Interpreter: (Yes or No) Yes
List language and/or dialect Spanish

4. This case will take 0 days for the parties to try.

5. Please check appropriate category and type of offense listed below:
(Check only one) (Check only one)

- | | | | | |
|-----|------------------|-------------------|---------|-------------------|
| I | 0 to 5 days | <u> X </u> | Petty | <u> </u> |
| II | 6 to 10 days | <u> </u> | Minor | <u> </u> |
| III | 11 to 20 days | <u> </u> | Misdem. | <u> </u> |
| IV | 21 to 60 days | <u> </u> | Felony | <u> X </u> |
| V | 61 days and over | <u> </u> | | |

6. Has this case been previously filed in this District Court? (Yes or No) Yes

If yes:

Judge: Paul C. Huck

Case No. 05-20859-CR-HUCK(s)(s)

(Attach copy of dispositive order)

Has a complaint been filed in this matter?

(Yes or No) _____

If yes:

Magistrate Case No.

Related Miscellaneous numbers:

Defendant(s) in federal custody as of

Defendant(s) in state custody as of

Rule 20 from the

District of

Is this a potential death penalty case? (Yes or No) No

7. Does this case originate from a matter pending in the U.S. Attorney's Office prior to April 1, 2003? Yes X No
8. Does this case originate from a matter pending in the U. S. Attorney's Office prior to April 1, 1999? Yes X No
If yes, was it pending in the Central Region? Yes No
9. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? Yes X No
10. Does this case originate from a matter pending in the Narcotics Section (Miami) prior to May 18, 2003? Yes X No

RICHARD D. GREGORIE
ASSISTANT UNITED STATES ATTORNEY
 Florida Bar No. 0549495

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

PENALTY SHEET

Defendant's Name: LEONARDO ARTURO MORA-RODRIGUEZ

Case No: 05-20859-CR-HUCK(s)(s)(s)(s)

Count #: 1

Conspiracy to transport in interstate and foreign commerce moneys of the value of \$5,000 or more taken by fraud.

Title 18, United States Code, Section 371

***Max. Penalty:** Five (5) Years' Imprisonment

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE No. 05-20859-CR-HUCK(s)(s)(s)(s)

UNITED STATES OF AMERICA

v.

LEONARDO ARTURO MORA-RODRIGUEZ,
Defendant.

PLEA AGREEMENT

The United States of America, by and through the undersigned Assistant United States Attorney, and LEONARDO ARTURO MORA-RODRIGUEZ(hereinafter referred to as the "defendant"), enter into the following agreement:

1. The defendant agrees to waive indictment and the statute of limitations and plead guilty to a superceding information, which charges him with conspiracy to transport in interstate and foreign commerce money taken by fraud in violation of Title 18, United States Code, Sections 2314 and 371. The United States agrees to dismiss charges against the defendant in Count 20 of criminal indictment 05-20859-CR-HUCK(s)(s) at the time of sentencing.

2. The defendant hereby knowingly and voluntarily waives any defense based on the statute of limitations or any other defense based on the passage of time in filing an indictment or information against the defendant with respect to any criminal offenses in connection with the defendant's criminal conduct under the information.

3. The defendant is aware that the sentence will be imposed by the court considering the Federal Sentencing Guidelines and Policy Statements (hereinafter "Sentencing Guidelines"). The defendant acknowledges and understands that the court will compute an advisory sentence under the Sentencing Guidelines and that the applicable guidelines will be determined by the court relying in part on the results of a Pre-Sentence Investigation by the court's probation office, which investigation will commence after the guilty plea has been entered. The defendant is also aware that, under certain circumstances, the court may depart from the applicable guideline range and impose a sentence that is either more severe or less severe than the guideline range. The defendant waives any constitutional challenge to the sentencing guidelines, waives trial by jury on all findings relevant to sentencing and agrees that the court may make all such findings by a preponderance of the evidence based on any reliable evidence including hearsay.

4. Knowing these facts, the defendant understands and acknowledges that the court has the authority to impose any sentence within and up to the statutory maximum authorized by law for the offense identified in paragraph one and that the defendant may not withdraw his plea solely as a result of the sentence imposed. The maximum penalty for conspiracy to transport in interstate and foreign commerce money taken by fraud, in violation of Title 18, United States Code, Section 371 is imprisonment for five (5) years and a fine of \$250,000.

5. The defendant further understands and acknowledges that, in addition to any sentence imposed under paragraph three of this agreement, the court shall impose a special assessment in the amount of one hundred United States dollars (US \$100.00).

6. The Office of the United States Attorney for the Southern District of Florida, (hereinafter "Office"), reserves the right to inform the court and the probation office of all facts pertinent to the sentencing process, including all relevant information concerning the offenses committed, whether charged or not, as well as concerning the defendant and the defendant's background. Subject only to the express terms of any agreed-upon sentencing recommendations contained in this agreement, this Office further reserves the right to make any recommendation as to the quality and quantity of punishment.

7. The United States agrees that it will recommend at sentencing that the court reduce by three (3) levels the sentencing guideline level applicable to the defendant's offenses, pursuant to Section 3E1.1(b) of the Sentencing Guidelines, based upon the defendant's recognition and affirmative and timely acceptance of personal responsibility. However, the United States will not be required to make these sentencing recommendations if the defendant: (1) fails or refuses to make a full, accurate and complete disclosure to the probation office of the circumstances surrounding the relevant offense conduct; (2) is found to have misrepresented facts to the government prior to entering this plea agreement; or (3) commits any misconduct after entering into this plea agreement, including but not limited to

committing a state or federal offense, violating any term of release, or making a false statement or misrepresentation to any governmental entity or official.

8. The United States and the defendant agree that, although not binding on the probation office or the court, they will jointly recommend that the court make the following findings and conclusions as to the sentence to be imposed:

a. Applicable Guidelines Manual: that the 2000 Guidelines Manual Section 2B.1.1 is the proper manual guideline to be used in calculating the defendant's advisory sentencing range.

b. The defendant agreed with coconspirators to move money, that is more than \$1,500,000 but less than \$2,500,000 in foreign commerce between Trinidad and Tobago, Panama, Miami, Florida and The Bahamas knowing that those funds had been obtained by fraud.

c. The defendant and the United States agree that the defendant opened and maintained bank accounts in Panama and Miami; that, at the direction of Eduardo Hillman-Waller and Raul J. Gutierrez, he would transfer funds to and from those accounts and write checks in interstate and foreign commerce from the accounts and that he would create invoices for work which was never done to justify the movement of money taken by fraud.

9. The defendant agrees that the defendant shall cooperate fully with this Office by:

(a) providing truthful and complete information and testimony, and producing documents, records and other evidence, when called upon by this Office, whether in interviews, before a grand jury, or at any trial or other court proceeding;

(b) appearing at such grand jury proceedings, hearings, trials, and other judicial proceedings, and at meetings, as may be required by this Office; and

10. This Office reserves that right to evaluate the nature and extent of the defendant's cooperation and to make the defendant's cooperation, or lack thereof, known to the Court at the time of sentencing. If in the sole and unreviewable judgement of this Office the defendant's cooperation is of such quality and significance to the investigation or prosecution of other criminal matters as to warrant the Court's downward departure from the sentence required by the Sentencing Guidelines, this Office may at or before sentencing make a motion pursuant to Section 5K1.1 of the Sentencing Guidelines, 18 U.S.C. Section 3553(e), or a Rule 35 motion subsequent to sentencing, reflecting that the defendant has provided substantial assistance and recommending sentence reduction. The defendant acknowledges and agrees, however, that nothing in this Agreement may be construed to require this Office to file such a motion and that this Office's assessment of the nature, value, truthfulness, completeness and accuracy of the defendant's cooperation shall be binding on the defendant.

11. The defendant understands and acknowledges that the court is under no obligation to grant a government motion pursuant to Title 18, United States Code, Section 3553(e), Section 5K1.1 of the Sentencing Guidelines or Rule 35 of the Federal Rules of Criminal

Procedure, as referred to in paragraph nine of this agreement, should the government exercise its discretion to file such a motion.

12. The defendant is aware that the sentence has not yet been determined by the court. The defendant also is aware that any estimate of the probable sentencing range or sentence that the defendant may receive, whether that estimate comes from the defendant's attorney, the government, or the probation office, is a prediction, not a promise and is not binding on the government, the probation office or the court. The defendant understands further that any recommendation that the government makes to the court as to sentencing, whether pursuant to this agreement or otherwise, is not binding on the court and the court may disregard the recommendation in its entirety. The defendant understands and acknowledges, as previously acknowledged in paragraph three above, that the defendant may not withdraw his plea based upon the court's decision not to accept a sentencing recommendation made by the defendant, the government, or a recommendation jointly made by both the defendant and the government.

13. The defendant is aware that Title 18, United States Code, Section 3742, affords the defendant the right to appeal the sentence imposed in this case. Acknowledging this, in exchange for the undertakings made by the United States in this plea agreement, the defendant hereby waives all rights conferred by Title 18, United States Code, Section 3742, to appeal any sentence imposed, including any restitution order, or to appeal the manner in which the sentence was imposed, unless the sentence exceeds the maximum permitted by

statue or is the result of an upward departure from the guideline range the court establishes at sentencing. The defendant further understands that nothing in this agreement shall affect the government's right and/or duty to appeal as set forth in Title 18, United States Code, Section 3742(b). However, if the United States appeals the defendant's sentence pursuant to Title 18, United States Code, Section 3742(b), the defendant shall be released from the above waiver of appellate rights. The defendant understands that, although the defendant will be sentenced in conformity with the Sentencing Guidelines, by this agreement the defendant waives the right to appeal the sentence on the basis that the sentence is the result of an incorrect application of the Sentencing Guidelines or that the sentencing guidelines are unconstitutional.

14. The defendant and the United States agree that his immigration status will be determined by the Office of Immigration and Customs Enforcement (ICE), Department of Homeland Security. The United States will make known to ICE and to any Immigration Office or Judge the nature and extent of the defendant's cooperation the need for his testimony and the nature and extent of his criminal activity.

15. This is the entire agreement and understanding between the United States and the defendant. There are no other agreements, promises, representations, or understandings.

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

Date:

10/25/06

By:



RICHARD D. GREGORIE
ASSISTANT UNITED STATES ATTORNEY

Date:

10/25/06

By:



FRANK ANTHONY RUBINO
ATTORNEY FOR DEFENDANT

Date:

10/25/06

By:



LEONARDO ARTURO MORA-RODRIGUEZ
DEFENDANT